

**VILLAGE OF DOWNERS GROVE  
REPORT FOR THE VILLAGE COUNCIL MEETING  
MAY 11, 2009 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
Amend Class “C” Liquor License Provisions	Resolution ✓ Ordinance Motion Discussion Only	Enza Petrarca Village Attorney

**SYNOPSIS**

An ordinance has been prepared which shall amend gambling provisions at Class “C” licensed premises.

**STRATEGIC PLAN ALIGNMENT**

The Five Year Plan and Goals identified *Exceptional Services and Communications*.

**FISCAL IMPACT**

N/A

**UPDATE & RECOMMENDATION**

This item was discussed at the May 4, 2010 meeting. Staff recommends approval on the May 11, 2010 active agenda.

**BACKGROUND**

Section 15-13 of the Downers Grove Municipal Code (the “Code”) prohibits gambling within the Village except for bingo, pull tabs and jar games, and charitable games when conducted by not-for-profit organizations so long as they are in conducted in accordance with State law. Similarly, Section 3-33 Code prohibits gambling on any licensed premises except that Class “C” licenses holders (VFW, Downers Grove Moose & American Legion) are permitted to conduct bingo, pull tabs and jar games in accordance with State law.

It has been brought to staff’s attention by the American Legion that Section 3-33 is more restrictive than Section 15-13 in that it does not allow charitable games on liquor licensed premises. In order to remain consistent with State law, staff is recommending that the Village Council consider amending Section 3-33 to specifically allow Class “C” liquor license holders to conduct charitable games on their premises, so long as these not-for-profit organizations provide proof that they hold a valid license from the State to conduct these activities. Gambling at all other liquor licensed establishments will remain prohibited.

**ATTACHMENTS**

Ordinance  
 American Legion Correspondence

**VILLAGE OF DOWNERS GROVE**  
**COUNCIL ACTION SUMMARY**

**INITIATED:** Village Manager      **DATE:** May 11, 2010  
(Name)

**RECOMMENDATION FROM:** \_\_\_\_\_ **FILE REF:** \_\_\_\_\_  
(Board or Department)

**NATURE OF ACTION:**

- Ordinance
- Resolution
- Motion
- Other

**STEPS NEEDED TO IMPLEMENT ACTION:**

Motion to Adopt "AN ORDINANCE AMENDING CERTAIN LIQUOR LICENSE PROVISIONS RELATING TO CLASS C LICENSES", as presented.

**SUMMARY OF ITEM:**

Adoption of the attached ordinance shall amend certain provisions of the Liquor Code regarding gambling provisions.

**RECORD OF ACTION TAKEN:**

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ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING CERTAIN LIQUOR LICENSE PROVISIONS  
RELATING TO CLASS C LICENSES**

BE IT ORDAINED by the Village Council of the Village of Downers Grove in DuPage County, Illinois, as follows: (Additions are indicated by ~~shading~~/underline; deletions by ~~strikeout~~):

**Section 1. That Section 3.32. is hereby amended to read as follows:**

**3.32. Restrictions on club licenses.**

It shall be unlawful for any licensee holding a Class "C" license to sell or offer for sale any alcoholic liquor for any event which is open to the general public, except as follows:

(1) Private party rentals, or an event open to the public which is for the benefit of a not-for-profit or charitable organization and which is sponsored by a member of the club shall be permitted.

(2) Private party rentals shall be permitted in an outdoor seating area and alcohol may be served in conjunction therewith, provided that food service is made available and the area is appropriately monitored. The licensee shall submit a report to the Village within thirty days following each July 1 and January 1 setting forth the date, time and type of any private party rentals currently scheduled by the licensee in order for the Village to monitor compliance. In addition, the Village may request that the licensee include information on the dates, times and types of private party rentals at the Club during the six months prior.

(3) An event open to the public which is not for the benefit of a not-for-profit or charitable organization or which is not sponsored by a member of the club may be held as a special event, subject to the restrictions of Class "S" liquor licenses.

(4) An event open to the public held for the purpose of ~~gambling~~charitable gaming as defined ~~provided~~ in Section ~~3.33(a)~~15.13.  
(Ord. No. 2586, § 1; Ord. No. 2735, § 1.)

**Section 2. That Section 3.33. is hereby amended to read as follows:**

**3.33. Prohibited activities on licensed premises.**

(a) Gambling. It shall be unlawful to permit any gambling or video gaming ~~as defined in 230 ILCS 40/1 et al.~~ on any premises licensed to sell alcoholic liquor ~~with the following exception:~~

~~\_\_\_\_\_ (1) the game commonly known as "bingo", when conducted in accordance with the provisions of the of the Illinois Bingo License and Tax Act (230 ILCS 25/1 et seq.) and pull tab and jar games when conducted in accordance with the provisions of the Illinois Pull Tabs and Jar Games Act (230 ILCS 20/1 et seq.) may be conducted for the sole benefit of the not for profit organization holding a valid Class "C" liquor license and shall be conducted upon~~except upon those premises holding a Class "C" liquor license and in accordance with the provisions of Section 15.13;

(b) Solicitation. It shall be unlawful for any licensee, its manager or other person in charge of any licensed premises where alcoholic liquor is sold or offered for sale for consumption thereon to engage, employ or permit the engagement or employment of any person, nor shall any person be permitted to remain on said premises, who shall solicit any patron or customer thereof to purchase alcoholic or nonalcoholic liquor for said person, or any other person therein; nor shall any person, whether or not such person impersonates or presents the appearance of one of the opposite sex, and whether or not such person is an employee or entertainer, solicit any patron or customer therein to purchase alcoholic or nonalcoholic liquor for himself or herself or any other person therein; provided, however, that nothing herein contained shall prohibit any adult manager, bartender or waitress who shall be regularly employed therein from accepting and serving the order

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of a patron or customer in the regular course of employment as such manager or waitress.

(c) It shall be unlawful for any licensee, its manager, or other person in charge of premises licensed to sell alcoholic liquor to permit the following kinds of conduct; or books, magazines, coin-operated motion picture devices, films, or movies depicting, describing or relating to the following kinds of conduct on such premises:

(1) The performance of acts, or simulated acts, of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.

(2) The actual or simulated touching, caressing or fondling of the breast, buttocks, anus or genitals.

(3) The actual or simulated displaying of the breasts, pubic hair, anus, vulva or genitals.

(d) It shall be unlawful for any licensee, its manager, or other person in charge of premises licensed to sell alcoholic liquor to permit any entertainment, fashion show, presentation or performance which may include any person in a nude or semi-nude state, including, but not limited to, servers, hosts, hostesses, dancers, singers, models or other performance artists, or to permit role playing interactions. (Ord. No. 2489, § 1; Ord. No. 2735, § 1.)

### **Section 3. That Section 15.13. is hereby amended to read as follows:**

#### **15.13. Gambling.**

(a) No person shall, upon any premises or within any building within the Village occupied or controlled by him, set up, keep, maintain or operate or permit to be set up, kept, maintained or operated any card game or instrument, device or thing for the purpose of gambling or with which money or property, or anything representing money or property or anything of value shall in any manner be lost or won; provided, however, that the game commonly known as "bingo", when conducted in accordance with the provisions of the Illinois Bingo License and Tax Act<sup>1</sup> pull tab and jar games when conducted in accordance with the provisions of the Illinois Pull Tabs and Jar Games Act<sup>2</sup>, "charitable games" when conducted in accordance with the provisions of the Illinois Charitable Games Act<sup>3</sup>, and lotteries when conducted by the State of Illinois in accordance with the Illinois Lottery Law, shall be permitted and shall not be construed as a violation of this section.

(b) Pursuant to Section 27 of the Video Gaming Act<sup>4</sup> (~~230 ILCS 40/27~~), video gaming is hereby prohibited within the corporate boundaries of the Village.

(c) No person shall participate in the activities defined as gambling in subsection (a) and (b). (R.O. 1925, § 411; Ord. No. 301, § 1; Ord. No. 2121, § 1; Ord. No. 2812, § 3; Ord. No. 2877, § 1.)

NOTE: For state law as to gambling, see Ill. Comp. Stat., ch. 720, §§ 5/28-1 to 5/28-9. As to authority of Village to suppress gambling, see Ill. Rev. Stat., ch. 24, § 11-501. (Repealed)

<sup>1</sup>~~230 ILCS 25/1 et seq. Ill. Comp. Stat., ch. 230, §§ 25/1 et seq.~~

<sup>2</sup>~~230 ILCS 20/1 et seq. Ill. Comp. Stat., ch. 230, §§ 20/1 et seq.~~

<sup>3</sup>~~230 ILCS 30/1 et seq. Ill. Comp. Stat., ch. 230, §§ 30/1 et seq.~~

<sup>4</sup>~~230 ILCS 40/27 Ill. Comp. Stat., ch. 230 §§ 15/01 et seq.~~

**Section 4.** That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**Section 5.** That this ordinance shall be in full force and effect from and after its passage and publication in the manner provided by law.

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Mayor

Passed:

Published:

Attest:

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Village Clerk

**ALEXANDER BRADLEY BURNS POST 80**

4000 SARATOGA AVENUE  
DOWNERS GROVE, ILLINOIS 60515



March 6, 2010

Mr. Dan McInerney

4834 Lee Street

Downers Grove, Il. 60515

Our Legion post has been selling liquor at our gambling events - Tuesday night Bingo and Sunday Charity Poker events.

I want to clarify that this is permitted by our liquor license.

Woody Kawaters

Commander